

CHARGE SHEET FORM

Fill in all spaces unless otherwise indicated and submit the original to the Office of Student Affairs in Room 400. Attach pages explaining how the alleged violation(s) occurred, giving dates and times when relevant, all supporting evidences or a detailed list of such evidences, statements as to the constitutional, statutory, and/or regulatory provisions allegedly violated, and a separate document explaining why a preliminary injunction is needed, if one is requested. You will be notified if your case is accepted, and will be notified in writing if your case is not. Please type or print clearly. E-mail the Chair and Assistant Chair (check www.asuc.org) should you require assistance and to notify the Council that you have filed a charge.

TO: ASUC Judicial Council

FROM: Myles Moscato

[You will be recognized as the spokesperson for the complainant before the Council unless otherwise noted in the hearing. JRP 4.7]

ADDRESS: 2005 Hearst Ave #3, Berkeley, CA 94709

PHONE: 510-292-7316 E-MAIL: mylesmoscato@gmail.com

I, Myles Moscato, student

[Spokesperson]

hereby request the ASUC Judicial

Council to issue a ☐ Direct Judgment ☒ Restraining Order ☒ Writ of Mandamus

☐ Advisory Opinion ☐ Appeal ☐ Rehearing

[Judicial Remedy sought, see JRP 3.13.1.1.1-3, 3.4, and 5.3-4]

against the Solicitor General (Erin Delaney)

[Person(s) and/or organization]

The named person(s) may be contacted at 619-204-4640 or delaney.erin.c@gmail.com

[E-mail address and phone number]

I charge the above person(s) with violating Title I Article IX Section 9.19 Clause 6, Title I Article IX Section 9.19 Clause 7, and Title I Article IX Section 9.19 Clause 8

[Title, Article, Section, Clause, Item]

of the ASUC Bylaws

[ASUC Constitution, By-Law, Rules, Regulation, etc]

as explained in the attached.

____ I request an Expedited Hearing.

[Include a separate document explaining why an Expedited Hearing is necessary. See JRP 3.5.3]

____ I am requesting a Preliminary Injunction.

____ I am requesting a Gag Order. [See JRP 3.7]

[Include a separate document explaining why a Preliminary Injunction is needed. See JRP 3.8]

____ I am requesting witnesses/evidence be subpoenaed.

[Include all names and contact information as well as the reasons for the request. See JRP 3.9]

____ I am requesting witness depositions.

[Include all names and contact information. See JRP 3.10]

____ Charge Sheet is filed under seal. Only the Council will see this until such time as it is unsealed. [Include a separate document explaining why the charge is filed under seal. See JRP 3.6.2.2]

Signed: Myles Moscato Date: May 2, 2012

Received: _____ Date: _____ Time: _____

[OSA Director]

Revised 03/14/07, Chair Marisa Cuevas and Assistant Chair Kate Feng

Evidence of Alleged Violation:

Title I Article IX Section 9.19 Clause 6 States:

"The Solicitor General shall be the primary spokesperson of the ASUC if it is a plaintiff or defendant in any case.

Title I Article IX Section 9.19 Clause 7 States:

The Solicitor General, when not working on a case, shall provide any assistance required by the Attorney General to accomplish his or her duties.

Title I Article IX Section 9.19 Clause 8 States:

The Solicitor General shall, during election season, actively search out campaign violations with the Attorney General and file suits accordingly with the Judicial Council."

As such, a one Elizabeth Kopaskie filed a charge sheet on April 8, 2012 against the VOICE referendum pertaining to campaign violations. The charge sheet was filed in regards to violations of Title IV, Article XII, Section 12.3, Clause 6; Title IV, Article XII, Section 12.6, Clause 1, Title IV, Article XII, Section 12.6, Clause 4, Title IV, Article XII, Section 12.6, Clause 8.

This charge sheet was dismissed by the Judicial Council under the grounds that an Executive Order was issued by President Vishalli Loomba on April 11, 2012 voiding the V.O.I.C.E. referendum altogether. The Executive order was then subsequently overturned. The Solicitor General did not actively pursue these campaign violations afterwards and the charges filed by Elizabeth Kopaskie went unpunished.

In addition, Solicitor General Erin Delaney represented Ms. Lynn Yu in her case against President Vishalli Loomba in the case of *Yu vs. Loomba*. As stated in the Direct Judgement for this case on April 24, 2012, "As an officer of the Association, she is tasked with representing the Association in legal action, and to assist the Attorney General in her duties."

In addition to representing Ms. Yu in this case, Solicitor General Erin Delaney has continued to represent Ms. Yu in light of charges filed against the V.O.I.C.E. referendum by President Vishalli Loomba and Attorney General Deepti Rajendran on April 25, 2012. Following voting tabulations, Solicitor General Erin Delaney also failed to pursue campaign violations against the V.O.I.C.E. referendum despite President Loomba's Executive Order being overturned on April 24, 2012.

For these reasons, I ask the Judicial Council to prohibit Solicitor General Erin Delaney from representing Ms. Yu in any case regarding the legality of the V.O.I.C.E. referendum, as said representation would act as a blatant conflict of

interest and disregard for ASUC By-laws. I also ask that the Judicial Council require Ms. Delaney to pursue any actions for charges filed against campaign violations for the V.O.I.C.E. referendum.

Note: While I understand the time constraints in this scenario and the unfortunate timing of these events, I would like to respectfully ask the Judicial Council to see this case as soon as possible, as it directly affects the outcome of other charge sheets filed against the V.O.I.C.E. referendum.